

103D CONGRESS  
2D SESSION

## **S. 1458**

### **AN ACT**

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

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## AN ACT

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “General Aviation Revi-  
5       talization Act of 1994”.

1 **SEC. 2. TIME LIMITATION ON CIVIL ACTIONS AGAINST AIR-**  
2 **CRAFT MANUFACTURERS.**

3 Title XI of the Federal Aviation Act of 1958 (49  
4 U.S.C. App. 1510–1518) is amended by adding at the end  
5 the following new section:

6 **“SEC. 1119. TIME LIMITATION ON CIVIL ACTIONS AGAINST**  
7 **AIRCRAFT MANUFACTURERS.**

8 “(a) IN GENERAL.—Except as provided in subsection  
9 (b) of this section, no civil action for damages for death  
10 or injury to persons or damage to property arising out  
11 of an accident involving a general aviation aircraft may  
12 be brought against the manufacturer of the aircraft or the  
13 manufacturer of any component, system, subassembly, or  
14 other part of the aircraft, if the accident occurred—

15 “(1) more than 18 years after—

16 “(A) the date of delivery of the aircraft to  
17 its first purchaser or lessee, if delivered directly  
18 from the manufacturer; or

19 “(B) the date of first delivery of the air-  
20 craft to a person engaged in the business of  
21 selling or leasing such aircraft; or

22 “(2) with respect to any component, system,  
23 subassembly, or other part which replaced another  
24 product originally in, or which was added to, the air-  
25 craft, and which is alleged to have caused the claim-

1       ant's damages, more than 18 years after the date of  
2       the replacement or addition.

3       “(b) EXCEPTIONS.—Subsection (a) of this section  
4       does not apply—

5               “(1) if the claimant pleads with specificity the  
6       facts necessary to prove, and proves by clear and  
7       convincing evidence that the manufacturer with re-  
8       spect to certification or obligations with respect to  
9       continuing airworthiness of an aircraft or aircraft  
10      component knowingly misrepresented to the FAA, or  
11      concealed or withheld from the FAA, required infor-  
12      mation that is material and relevant to the perform-  
13      ance or the maintenance or operation of such air-  
14      craft or component that is causally related to the  
15      harm which the claimant allegedly suffered;

16              “(2) if the person for whose injury or death the  
17      claim is being made is a passenger for purposes of  
18      receiving treatment for a medical or other emer-  
19      gency; or

20              “(3) if the person for whose injury or death the  
21      claim is being made was not aboard the aircraft at  
22      the time of the accident.

23       “(c) GENERAL AVIATION AIRCRAFT DEFINED.—For  
24      the purposes of this section, the term ‘general aviation air-  
25      craft’ means any aircraft for which a type certificate or

1 an airworthiness certificate has been issued by the Admin-  
 2 istrator, which, at the time such certificate was originally  
 3 issued, had a maximum seating capacity of fewer than 20  
 4 passengers, and which was not, at the time of the accident,  
 5 engaged in scheduled passenger carrying operations as de-  
 6 fined under regulations issued under this Act.

7 “(d) RELATIONSHIP TO OTHER LAWS.—This section  
 8 supersedes any Federal or State law to the extent that  
 9 such law permits a civil action described in subsection (a)  
 10 to be brought after the applicable deadline for such civil  
 11 action established by subsection (a).”.

12 **SEC. 3. CONFORMING AMENDMENT.**

13 The table of contents contained in the first section  
 14 of the Federal Aviation Act of 1958 is amended by adding  
 15 at the end of the matter relating to title XI of such Act  
 16 the following:

“Sec. 1119. Time Limitation on Civil Actions Against Aircraft Manufacturers.

“(a) In general.

“(b) Exceptions.

“(c) General aviation aircraft defined.

“(d) Relationship to other laws.”.

Passed the Senate March 16 (legislative day, Feb-  
 ruary 22), 1994.

Attest:

*Secretary.*